

**MINUTES OF THE REGULAR COUNCIL MEETING  
OF THE CITY OF PAOLA, KANSAS  
5:30 O'CLOCK P.M.**

**November 14, 2006**

**HELD AT THE PAOLA PUBLIC WORKS BUILDING  
29370 Old KC Road in Paola**

The Governing Body of the City of Paola, Kansas, met with Mayor Stuterville presiding.

Councilmembers present: Council Members Pritchard, Dial, Rowlett, and Hamilton.

Council Members absent: None.

Also present: Manager VanderHamm, Clerk Droste, City Attorney Tettwiler, Public Works Director Bieker, Planner Givens, Police Chief Smail, Brian McCauley from the Miami County Republic, and others.

**PLEDGE OF ALLEGIANCE:** Mayor Stuterville invited everyone in attendance to join in the Pledge of Allegiance.

**Agenda Item 1 - CALL TO ORDER:** The regular council meeting was called to order by Mayor Stuterville.

**Agenda Item 2 - ROLL CALL:** Mayor Stuterville and Council Members Pritchard, Dial, Rowlett, and Hamilton were all present.

**Agenda Item 3 - PETITIONS, REMONSTRANCES, AND COMMUNICATIONS**

Manager VanderHamm recognized Clerk Droste for completing the Municipal Clerks Certification Institute at Wichita State University.

Carol Everhart with the Paola Chamber of Commerce requested that the Council consider approval of the agreement with Mary Birch for consulting services for Economic Development. She also requested that the Council consider adopting a reservation policy for weddings at the Gazebo in the Park Square. She recommended that a fee be charged to reserve the Gazebo and that the money be used to restore the structure and perhaps include an engraved brick commemorating the wedding.

**Agenda Item 4 - CONSENT AGENDA**

- a. Approval of minutes of the meetings of October 24, 2006
- b. Approval of Salary Ordinance number 06-20
- c. Approval of Appropriation Ordinance No. 593

Mayor Stuteville questioned the expense for repairing the traffic signal at Hedge Lane and Baptiste Drive. Manager VanderHamm stated that the expense was the result of lightning striking the signal.

Councilmember Rowlett made a motion to approve the Consent Agenda and authorize the Mayor to sign. Councilmember Hamilton seconded the motion and all voted aye.

#### **Agenda Item 5 – REPORTS OF OFFICERS, BOARDS AND COMMITTEES**

##### **Agenda Item 5a - Public Hearing to consider the petition to vacate the alley in Block 50 of the original plat of the City of Paola.**

Councilmember Pritchard made a motion to open the Public Hearing to consider the petition of Fred H. Green and Troy Allen, requesting the vacation of a certain alley right-of-way in Block 50 of the original plat of the City of Paola, Kansas. The motion was seconded by Councilmember Rowlett and all voted aye.

Clerk Droste presented the request from Fred Green and Troy Allen regarding the alley vacation. He reported that the Public Hearing Notice had been published in the official newspaper as required and that notices were sent to all of the utilities and property owners. Southwestern Bell and Kansas Gas Service Company have requested that the easement for utilities be maintained in the event that the Council elects to vacate the alley right-of-way.

Mr. Darren Green addressed the Council on behalf of Fred Green, he stated that there were no plans for the alley other than how it is presently being used. The alley is currently gated to keep vandals from accessing the properties on either side.

Councilmember Rowlett stated that the properties have had several zoning and nuisance complaints. He asked the Planning Director about planning and zoning issues on the properties. Planning Director Givens itemized several past and current codes violations on the properties. Givens stated that the businesses have been cited for weeds, animals, vermin, and inoperable vehicles. There are also outstanding building permit issues on the TNT building regarding a paint booth, fencing, and occupancy permits.

Mr. Troy Allen addressed the Council regarding the paint booth and the fences. He stated that the paint booth is a certified booth with sprinkler heads. He also stated that the fence was not completed due to recent discussions with the City regarding purchasing the property.

Mayor Stuteville stated that she was most concerned about the weeds and the vehicles. She has also received complaints from the neighbors about the paint fumes.

Darren Green indicated that he felt that his property was in full compliance and that there was a large investment in improving the property. Mr. Green and Mr. Allen both expressed concerns about vandalism if access to the alley were opened.

Councilmember Rowlett suggested that there needs to be cooperation regarding the looks of the facilities and on the zoning, nuisance, and building permit issues.

Councilmember Rowlett made a motion to close the Public Hearing. The motion was seconded by Councilmember Pritchard and all voted aye.

Councilmember Rowlett made a motion to deny the petition of Fred H. Green and Troy Allen as presented. The motion was seconded by Councilmember Dial and all voted aye.

**Item 5b - Public Hearing to consider the petition to vacate a portion of Railroad Street in Block 1, East Heights Addition to the City of Paola.**

Councilmember Hamilton made a motion to open the Public Hearing to consider the petition of Charles Smith, requesting the vacation of a portion of Railroad Street in Block 1, East Heights Addition to the City of Paola. The motion was seconded by Councilmember Pritchard and all voted aye.

Clerk Droste presented the request from Charlie Smith regarding the street right-of-way vacation. He reported that the Public Hearing Notice had been published in the official newspaper as required and that notices were sent to all of the utilities and property owners. Kansas City Power & Light has requested that the easement for utilities be maintained in the event that the Council elects to vacate the street right-of-way.

Charlie Smith addressed the Council indicating that all three adjoining property owners would benefit from the request. He reminded the Council that the majority of the original right of way for Railroad Street that runs parallel to Baptiste Drive had been previously vacated some years ago.

Mayor Stuterville asked if solutions to the water drainage issue in the area would be hampered as a result of vacating the right-of-way. Public Works Director Bieker indicated that storm water would likely be routed to the east and discharged onto Hospital Drive rather than routing it north to Baptiste Drive.

Christine Ripple questioned the vacation and expressed concerns that she would be losing property. City Manager VanderHamm explained that all three property owners would receive a portion of right-of-way and she would actually have more property after the vacation action. Charlie Smith suggested that Mrs. Ripple confirm the location of her property lines. Smith stated that when his engineers were evaluating his property, they observed that the existing right-of-way may be as close as 3 or 4 feet from Mrs. Ripple's front door.

After discussing the location of the right-of-way in relation to the Ripple property, City Manager VanderHamm suggested that an ingress-egress easement be given by Smith to Ripple in order to insure there is access to her property. Smith agreed to provide the easement to Mrs. Ripple.

Councilmember Pritchard made a motion to close the Public Hearing. The motion was seconded by Councilmember Dial and all voted aye.

Councilmember Rowlett made a motion to approve the petition of Charles Smith, requesting the vacation of a portion of Railroad Street in Block 1, East Heights Addition to the City of Paola, Kansas, as identified in the petition, provided however, that the City of Paola, reserves for itself, and its assigns, the right to erect, install, operate, replace, repair and maintain any and all water lines, sewer lines, gas lines, telephone lines, electrical utility lines, and cable TV lines presently located, if any under, through, over, along and across the described portion of the street so vacated; subject to an ingress-egress easement between Smith and Ripple. The motion was seconded by Councilmember Dial and all voted aye.

**Item 5c - Receive and award bids on Temporary Financing Notes in the principal amount of \$2,700,000.**

Clerk Droste introduced Greg Vahrenberg with PiperJaffray who presented bids on \$2,700,000 in Temporary Financing Notes from Country Club Bank, Parker/Hunter, UMB Bank, and M&I Bank. The low bid on the notes was given by Country Club Bank at a rate of 4.090769%.

After discussing the bids, Councilmember Rowlett made a motion to accept the bid from Country Club Bank for 4.090769% to purchase General Obligation Temporary Notes in the principal amount of \$2,700,000 from the City of Paola. The motion was seconded by Councilmember Hamilton and all voted aye.

**Item 5d -Consider a Resolution authorizing the issuance of General Obligation Temporary Notes in the principal amount of \$2,700,000.**

Mary Carson with Tripplet, Woolf, & Garretson presented and explained a Resolution authorizing the issuance of the Temporary Notes.

After discussing the Resolution, Councilmember Pritchard made a motion to approve A RESOLUTION AUTHORIZING ISSUANCE OF GENERAL OBLIGATION TEMPORARY NOTES OF THE CITY OF PAOLA, KANSAS, IN THE PRINCIPAL AMOUNT OF \$2,700,000 FOR THE TEMPORARY FINANCING OF A PORTION OF THE COSTS OF CONSTRUCTION OF CERTAIN IMPROVEMENTS IN THE CITY; AND ESTABLISHING THE TERMS AND CONDITIONS OF THE TEMPORARY NOTES. The motion was seconded by Councilmember Dial and all voted aye. Clerk Droste assigned No. 2006-010 to the Resolution.

**Item 5e - Receive and award bids on General Obligation Bonds.**

Greg Vahrenberg explained that the General Obligation Notes were divided into two issues due to the timing on the assessments for the Best Western Hotel project. He explained that there were minimal costs in splitting the bonds into two separate series. He presented bids on \$1,660,000 in General Obligation Bonds Series 2006-A from Country Club Bank, UMB

Bank, M&I Bank, Piper Jaffray, and Commerce Bank. The low bid on the Series 2006-A notes was given by Country Club Bank at a rate of 3.720636%.

Greg Vahrenberg also presented bids on \$325,000 in General Obligation Bonds Series 2006-B from Country Club Bank, UMB Bank, and M&I Bank. The low bid on the Series 2006-B notes was given by Country Club Bank at a rate of 3.890684%.

Councilmember Pritchard made a motion to accept the bid from Country Club Bank for 3.720636% to purchase General Obligation Bonds, Series 2006-A, in the principal amount of \$1,660,000 and the bid from Country Club Bank for 3.890684% to purchase General Obligation Bonds, Series 2006-B, in the principal amount of \$325,000 from the City of Paola. The motion was seconded by Councilmember Dial and all voted aye.

**Agenda Item 5f - Consider an Ordinance authorizing the issuance of General Obligation Bonds.**

Mary Carson presented an Ordinance authorizing the issuance of the General Obligation Bonds.

After discussing the Ordinance, Councilmember Hamilton made a motion to approve AN ORDINANCE AUTHORIZING ISSUANCE OF THE CITY OF PAOLA, KANSAS GENERAL OBLIGATION BONDS, SERIES 2006-A, IN THE PRINCIPAL AMOUNT OF \$1,660,000 AND ITS GENERAL OBLIGATION BONDS, SERIES 2006-B IN THE PRINCIPAL AMOUNT OF \$325,000, FOR THE PURPOSE OF FINANCING COSTS OF CERTAIN CAPITAL IMPROVEMENTS IN THE CITY; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX TO PAY THE BONDS; AUTHORIZING OTHER DOCUMENTS AND ACTIONS; AND MAKING CERTAIN COVENANTS RELATED TO THE BONDS. The motion was seconded by Councilmember Rowlett and all voted aye. Clerk Droste assigned No. 2932 to the Ordinance.

**Agenda Item 5g - Consider a Resolution authorizing the issuance of General Obligation Bonds.**

Mary Carson presented a Resolution authorizing the issuance of the General Obligation Bonds and explained that the authorizing documents are divided into an Ordinance and a Resolution to save on publication expenses.

After discussing the Resolution, Councilmember Dial made a motion to approve A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF GENERAL OBLIGATION BONDS, SERIES 2006-A, IN THE PRINCIPAL AMOUNT OF \$1,660,000 AND GENERAL OBLIGATION BONDS, SERIES 2006-B IN THE PRINCIPAL AMOUNT OF \$325,000 OF THE CITY OF PAOLA, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO. 2932 OF THE CITY; MAKING COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY OF THE BONDS; AND AUTHORIZING CERTAIN OTHER

DOCUMENTS AND ACTIONS CONNECTED TO THE BONDS. The motion was seconded by Councilmember Pritchard and all voted aye. Clerk Droste assigned No. 2006-011 to the Resolution.

**Item 5h - Establish the fee for a 2 inch water meter for the USD 368 Field House and the Jackson Hotel.**

Clerk Droste presented a request to establish the fees for a 2 inch water meter for USD 368 for the Athletic Field House and for a 2 inch and 1.5 inch meter for the Jackson Hotel.

After discussing the request, Councilmember Hamilton Motion to establish a fee of \$3,000 for a 2 inch water meter for the USD 368 Field House; and \$3,000 for a 2 inch meter or \$2,500 for a 1.5 inch meter for the Jackson Hotel. The motion was seconded by Councilmember Rowlett and all voted aye.

**Item 5i - Consider a request for a water leak allowance from Chad Oehlert.**

Clerk Droste presented a request from Chad Oehlert for a leak allowance for the property located at 201 N Hospital Drive.

After discussing the request, Councilmember Pritchard made a motion to approve a water leak allowance in the amount of \$431.80 for Chad Oehlert for the property located at 201 N Hospital Drive. The motion was seconded by Councilmember Dial and all voted aye.

**Item 5j - Consider approval of the renewal of a Retail Liquor License for County Seat Liquor.**

Clerk Droste presented an application for the renewal of the Retail liquor License for County Seat Liquor. Droste reported that the \$250 fee had been received and the facility has passed the required fire safety inspection.

After discussing the application, Councilmember Dial made a motion to approve a Retail Liquor License for County Seat Liquor. The motion was seconded by Councilmember Pritchard and all voted aye.

**Item 5k - Consider Longevity Pay and Christmas Bonuses for City Employees.**

Clerk Droste presented a detailed listing of longevity pay and Christmas bonuses for City employees. Droste explained that longevity pay was calculated at \$3 per month with the exception that longevity pay is not paid to employees with less than 1 year of tenure. Christmas bonuses have been set at \$50 for full-time and \$25 for part-time employees.

Councilmember Pritchard suggested that during the next budget discussions that consideration be given to increase Christmas bonuses for the Fire Department volunteers.

Councilmember Dial made a motion to approve payments to City Employees for Longevity Pay and Christmas Bonuses to be paid in November. The motion was seconded by Councilmember Hamilton and all voted aye.

**Item 5l - Consider approving the establishment of a “Section 125 Plan” for City employees.**

Clerk Droste requested Council approval to offer a Section 125 Plan for City employees. Droste explained how a Section 125 Plan works and the tax benefits that would be available to employees and to the City. He explained that several companies were solicited to administrate the plan and that AFLAC offered the most competitive fees.

Clerk Droste recommended that the maximum level of individual participation be limited to \$200 per month or \$2,400 per year per eligible employee. Only full-time employees, not on probation, would be eligible for participation and enrollment is only available at the beginning of each calendar year.

After discussing the program, Councilmember Hamilton made a motion to approve the establishment of a Section 125 Plan through AFLAC for City of Paola Employees. The motion was seconded by Councilmember Rowlett and all voted aye.

**Item 5m - Consider approval of an agreement with Miami County EMS to provide “First Responder” services.**

Manager VanderHamm presented a draft agreement with Miami County EMS to provide first responder services. The agreement was prepared by City Attorney Tetwiler who explained that the Paola Fire Department would only respond to an emergency in the event that the County EMS is not available.

Councilmember Dial questioned if the City was covered for this activity under the existing insurance policy. Clerk Droste explained that a separate liability policy in the amount of \$500,000 was purchased as the existing policy offered no coverage for this activity. Cost for the additional coverage was \$2,067.00.

After discussing the agreement, Councilmember Rowlett made a motion to approve an agreement with Miami County EMS to provide “First Responder” services. The motion was seconded by Councilmember Pritchard and all voted aye.

**Agenda Item 6 - NEW BUSINESS**

Public Works Director Bieker presented a recommendation from the Lake Miola Committee to continue participation in the Community Fisheries Program with the State of Kansas. He explained that the State leases the fishing rights to the lake in exchange for the City not charging an additional fee to anglers for fishing. The Program payment for 2007 will be \$6,300.00. Additionally, the Lake Miola Committee recommended that a sticker be issued for each boat on the lake. Each pleasure boat would be required to display a sticker of a

different color than the stickers issued to fishing boats. This would allow for easier enforcement of lake rules and regulations.

Manager VanderHamm presented a letter from the Department of Administration of the State of Kansas regarding the 2007 Budget. Manager VanderHamm explained that he had visited with Mr. Mark Handshy with the Department of Administration regarding changes in how the State would like to see the municipal budgets prepared.

Manager VanderHamm reminded the Council about the League of Kansas Municipalities Regional Supper in Lawrence on Wednesday, November 15th. Councilmembers Pritchard, Dial, Rowlett, and Hamilton would be attending with Manager VanderHamm.

Councilmembers Hamilton and Dial had no new business to discuss.

Councilmember Rowlett noted the condition of City Parking Lot Number 1 and suggested that it be added to the CIP in the near future.

Councilmember Pritchard reported that he had received a complaint about the amount of traffic on North Pearl/Old KC Road. The resident suggested that a stop sign be installed at the intersection at Crestview Drive. The suggestion was taken under advisement.

Mayor Stuterville reported that she had received complaints about the shrubs in the median on Baptiste Drive blocking the view of drivers wanting to turn west off of US 169 Highway. Manager VanderHamm indicated that the Parks Department had recently trimmed these bushes and that it had been a problem.

Mayor Stuterville asked the Council if it would like to consider the request from Carol Everhart to enter into the agreement with Mary Birch for economic development services. Councilmember Rowlett questioned the cost and the services that would be provided. Councilmember Dial suggested that having a good facilitator at a meeting saves a lot of time and money and she suggested that it would be money well spent. Councilmember Hamilton agreed that the experience provided by Mary Birch would be valuable and he felt that the \$3,000 cost was inexpensive.

Manager VanderHamm asked how the Mayor and Council would like staff to proceed with a reservation policy for the Gazebo for weddings. After discussing the issue, it was recommended that the drafting of a reservation policy be done with the input of the Chamber of Commerce given their efforts to have Paola designated as the "Wedding Capital of Kansas".

Mayor Stuterville reported that KDOT will host a Regional Transportation Workshop on November 28<sup>th</sup>. She recommended that the City attend that meeting so that we can stay abreast of grant funds that could be available.

**Agenda Item 7 - EXECUTIVE SESSION.**

No executive session was held.

**Agenda Item 8 – ADJOURNMENT.**

With no additional business to come before the Council, Councilmember Rowlett made a motion to adjourn the meeting. Councilmember Dial seconded the motion and all voted aye.

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Artie Stuterville, Mayor

ATTEST: (seal)

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Daniel G. Droste, City Clerk